

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

CR. NO. S-02-0257 EJG

ROLAND ADAMS,
Defendant.

UNITED STATES OF AMERICA
Plaintiff,

v.

CR. NO. S-02-0560 EJG

ROLAND ADAMS,
Defendant.

ORDER GRANTING MOTION TO
PROCEED ON APPEAL IFP

On October 30, 2006, the court issued a scheduling order in both of the above-captioned cases which, among other things, appointed counsel to represent defendant on the portion of case number Cr. 02-0257 which had been remanded by the Ninth Circuit Court of Appeals. In addition, the scheduling order held in

1 abeyance all other pending motions and denied defendant's request
2 for counsel on those motions. Defendant has filed a notice of
3 appeal from the scheduling order and seeks to proceed on appeal
4 *in forma pauperis*, without prepayment of the filing fee. While
5 it is unclear what rulings in the order might be appealable at
6 this stage of the proceedings, that decision is for the appellate
7 court, not the district court. After reviewing defendant's
8 financial affidavit filed in connection with the motion, and
9 noting that the court has previously granted *in forma pauperis*
10 status to defendant in connection with his previous appeal, the
11 motion to proceed on appeal *in forma pauperis* is granted.

12 IT IS SO ORDERED.

13 Dated: December 18, 2006

14 /s/ Edward J. Garcia
15 EDWARD J. GARCIA, JUDGE
16 UNITED STATES DISTRICT COURT
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